

pared with delivery of written records via the United States Postal Service and private express mail services. The Secretary shall submit a report to the Congress regarding the results of such inquiry by the conclusion of such 18-month period.

It was decided in the { Yeas 418
affirmative } Nays 2

¶129.18

[Roll No. 577]

AYES—418

Abercrombie	Davis (IL)	Horn
Ackerman	Davis (VA)	Hostettler
Aderholt	Deal	Houghton
Allen	DeFazio	Hoyer
Andrews	DeGette	Hulshof
Archer	Delahunt	Hunter
Armey	DeLauro	Hyde
Bachus	DeLay	Inslee
Baird	DeMint	Isakson
Baker	Deutsch	Istook
Baldacci	Diaz-Balart	Jackson (IL)
Baldwin	Dicks	Jackson-Lee
Ballenger	Dingell	(TX)
Barcia	Dixon	Jefferson
Barr	Doggett	Jenkins
Barrett (NE)	Dooley	John
Barrett (WI)	Doolittle	Johnson (CT)
Bartlett	Doyle	Johnson, E. B.
Barton	Dreier	Johnson, Sam
Bass	Duncan	Jones (NC)
Bateman	Dunn	Jones (OH)
Becerra	Edwards	Kanjorski
Bentsen	Ehlers	Kaptur
Bereuter	Ehrlich	Kasich
Berkley	Emerson	Kelly
Berman	Engel	Kennedy
Berry	English	Kildee
Biggert	Eshoo	Kilpatrick
Bilbray	Etheridge	Kind (WI)
Bilirakis	Evans	King (NY)
Bishop	Everett	Kingston
Blagojevich	Ewing	Klecicka
Bliley	Farr	Klink
Blumenauer	Fattah	Knollenberg
Blunt	Finler	Kolbe
Boehlert	Fletcher	Kucinich
Boehner	Foley	Kuykendall
Bonilla	Forbes	LaFalce
Bonior	Ford	LaHood
Bono	Fossella	Lampson
Borski	Fowler	Lantos
Boswell	Frank (MA)	Larson
Boucher	Franks (NJ)	Latham
Boyd	Frelinghuysen	LaTourette
Brady (PA)	Frost	Lazio
Brady (TX)	Gallegly	Leach
Brown (FL)	Ganske	Lee
Brown (OH)	Gejdenson	Levin
Bryant	Gekas	Lewis (CA)
Burr	Gibbons	Lewis (GA)
Burton	Gilchrest	Lewis (KY)
Buyer	Gillmor	Linder
Callahan	Gilman	Lipinski
Calvert	Gonzalez	LoBiondo
Camp	Goode	Lofgren
Campbell	Goodlatte	Lowe
Canady	Goodling	Lucas (KY)
Cannon	Gordon	Lucas (OK)
Capps	Goss	Luther
Capuano	Graham	Maloney (CT)
Cardin	Granger	Maloney (NY)
Carson	Green (TX)	Manzullo
Castle	Green (WI)	Markey
Chabot	Greenwood	Martinez
Chambliss	Gutierrez	Mascara
Chenoweth-Hage	Gutknecht	McCarthy (MO)
Clay	Hall (OH)	McCarthy (NY)
Clayton	Hall (TX)	McCollum
Clement	Hansen	McCrery
Clyburn	Hastings (FL)	McDermott
Coble	Hastings (WA)	McGovern
Collins	Hayes	McHugh
Combest	Hayworth	McInnis
Conyers	Hefley	McIntosh
Cook	Herger	McIntyre
Cooksey	Hill (IN)	McKeon
Costello	Hill (MT)	McKinney
Cox	Hilleary	McNulty
Coyne	Hilliard	Meehan
Cramer	Hinchey	Meeks (NY)
Crane	Hinojosa	Menendez
Crowley	Hobson	Metcalfe
Cubin	Hoeffel	Mica
Cummings	Hoekstra	Millender
Cunningham	Holden	McDonald
Danner	Holt	Miller (FL)
Davis (FL)	Hooley	Miller, Gary

Miller, George	Riley	Stump
Minge	Rivers	Stupak
Mink	Rodriguez	Sununu
Moakley	Roemer	Sweeney
Mollohan	Rogan	Talent
Moore	Rogers	Tancredo
Moran (KS)	Rohrabacher	Tanner
Moran (VA)	Ros-Lehtinen	Tauscher
Morella	Rothman	Tauzin
Murtha	Roukema	Taylor (MS)
Myrick	Roybal-Allard	Taylor (NC)
Nadler	Royce	Terry
Napolitano	Rush	Thomas
Neal	Ryan (WI)	Thompson (CA)
Nethercutt	Ryun (KS)	Thompson (MS)
Ney	Sabo	Thornberry
Northup	Salmon	Thune
Norwood	Sanchez	Thurman
Nussle	Sanders	Tierney
Oberstar	Sandlin	Toomey
Obey	Sanford	Towns
Oliver	Sawyer	Trafficant
Ortiz	Saxton	Turner
Ose	Schaffer	Udall (CO)
Owens	Schakowsky	Udall (NM)
Oxley	Scott	Upton
Packard	Sensenbrenner	Velazquez
Pallone	Serrano	Visclosky
Pastor	Sessions	Vitter
Payne	Shadegg	Walden
Pease	Shaw	Walsh
Pelosi	Shays	Wamp
Peterson (MN)	Sherman	Waters
Peterson (PA)	Sherwood	Watkins
Petri	Shimkus	Watt (NC)
Phelps	Shows	Watts (OK)
Pickering	Shuster	Waxman
Pickett	Simpson	Weiner
Pitts	Sisisky	Weldon (FL)
Pombo	Skeen	Weldon (PA)
Pomeroy	Skelton	Weller
Porter	Slaughter	Wexler
Portman	Smith (MI)	Weygand
Price (NC)	Smith (NJ)	Whitfield
Pryce (OH)	Smith (WA)	Wicker
Quinn	Snyder	Wilson
Radanovich	Souder	Wise
Rahall	Spratt	Wolf
Ramstad	Stabenow	Woolsey
Rangel	Stark	Wu
Regula	Stearns	Wynn
Reyes	Stenholm	Young (AK)
Reynolds	Strickland	Young (FL)

NOES—2

Paul Vento

NOT VOTING—13

Coburn	Largent	Smith (TX)
Condit	Matsui	Spence
Dickey	Meek (FL)	Tiahrt
Gephardt	Pascrell	
Hutchinson	Scarborough	

So the amendment was agreed to.

After some further time,

¶129.19 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment in the nature of a substitute submitted by Mr. DINGELL:

Strike out all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Millennium Digital Commerce Act”.

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) The growth of electronic commerce and electronic government transactions represent a powerful force for economic growth, consumer choice, improved civic participation and wealth creation.

(2) The promotion of growth in private sector electronic commerce through Federal legislation is in the national interest because that market is globally important to the United States.

(3) A consistent legal foundation, across multiple jurisdictions, for electronic commerce will promote the growth of such transactions, and that such a foundation should

be based upon a simple, technology neutral, nonregulatory, and market-based approach.

(4) The Nation and the world stand at the beginning of a large scale transition to an information society which will require innovative legal and policy approaches, and therefore, States can serve the national interest by continuing their proven role as laboratories of innovation for quickly evolving areas of public policy, provided that States also adopt a consistent, reasonable national baseline to eliminate obsolete barriers to electronic commerce such as undue paper and pen requirements, and further, that any such innovation should not unduly burden inter-jurisdictional commerce.

(5) To the extent State laws or regulations do not provide a consistent, reasonable national baseline or in fact create an undue burden to interstate commerce in the important burgeoning area of electronic commerce, the national interest is best served by Federal preemption to the extent necessary to provide such consistent, reasonable national baseline or eliminate said burden, but that absent such lack of a consistent, reasonable national baseline or such undue burdens, the best legal system for electronic commerce will result from continuing experimentation by individual jurisdictions.

(6) With due regard to the fundamental need for a consistent national baseline, each jurisdiction that enacts such laws should have the right to determine the need for any exceptions to protect consumers and maintain consistency with existing related bodies of law within a particular jurisdiction.

(7) Industry has developed several electronic signature technologies for use in electronic transactions, and the public policies of the United States should serve to promote a dynamic marketplace within which these technologies can compete. Consistent with this Act, States should permit the use and development of any authentication technologies that are appropriate as practicable as between private parties and in use with State agencies.

SEC. 3. PURPOSES.

The purposes of this Act are—

(1) to permit and encourage the continued expansion of electronic commerce through the operation of free market forces rather than proscriptive governmental mandates and regulations;

(2) to promote public confidence in the validity, integrity and reliability of electronic commerce and online government under Federal law;

(3) to facilitate and promote electronic commerce by clarifying the legal status of electronic records and electronic signatures in the context of contract formation;

(4) to facilitate the ability of private parties engaged in interstate transactions to agree among themselves on the appropriate electronic signature technologies for their transactions; and

(5) to promote the development of a consistent national legal infrastructure necessary to support of electronic commerce at the Federal and State levels within areas of jurisdiction.

SEC. 4. DEFINITIONS.

In this Act:

(1) **ELECTRONIC.**—The term “electronic” means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

(2) **ELECTRONIC AGENT.**—The term “electronic agent” means a computer program or an electronic or other automated means used to initiate an action or respond to electronic records or performances in whole or in part without review by an individual at the time of the action or response.

(3) **ELECTRONIC RECORD.**—The term “electronic record” means a record created, gen-